

**No. 2021AP001450 – OA**

---

**SUPREME COURT OF WISCONSIN**

---

BILLIE JOHNSON, ERIC O'KEEFE, ED PERKINS, AND RONALD ZAHN,

*Petitioners,*

BLACK LEADERS ORGANIZING FOR COMMUNITIES, VOCES DE LA FRONTERA, LEAGUE OF WOMEN VOTERS OF WISCONSIN, CINDY FALLONA, LAUREN STEPHENSON, REBECCA ALWIN, CONGRESSMAN GLENN GROTHMAN, CONGRESSMAN MIKE GALLAGHER, CONGRESSMAN BRYAN STEIL, CONGRESSMAN TOM TIFFANY, CONGRESSMAN SCOTT FITZGERALD, LISA HUNTER, JACOB ZABEL, JENNIFER OH, JOHN PERSA, GERALDINE SCHERTZ, KATHLEEN QUALHEIM, GARY KRENZ, SARAH J. HAMILTON, STEPHEN JOSEPH WRIGHT, JEAN- LUC THIFFEAULT, and SOMESH JHA,

*Intervenors-Petitioners,*

v.

WISCONSIN ELECTIONS COMMISSION, MARGE BOSTELMANN in her official capacity as a member of the Wisconsin Elections Commission, JULIE GLANCEY in her official capacity as a member of the Wisconsin Election Commission, ANN JACOBS in her official capacity as a member of the Wisconsin Elections Commission, DEAN KNUDSON in his official capacity as a member of the Wisconsin Elections Commission, ROBERT SPINDELL, JR. in his official capacity as a member of the Wisconsin Elections Commission, and MARK THOMSEN in his official capacity as a member of the Wisconsin Elections Commission,

*Respondents,*

THE WISCONSIN LEGISLATURE, GOVERNOR TONY EVERS, in his official capacity, and JANET BEWLEY SENATE DEMOCRATIC MINORITY LEADER, on behalf of the SENATE DEMOCRATIC CAUCUS,

*Intervenors-Respondents.*

---

**MOTION OF LEGAL SCHOLARS FOR LEAVE TO  
PARTICIPATE IN ORAL ARGUMENT**

---

Through the undersigned counsel and pursuant to Wis. Stat. (Rule) § 809.19(7), eight legal scholars (collectively “Movants”) filed a motion for leave to file a non-party *amicus curiae* brief in support of no party, attaching the proposed non-party brief. If the Court grants this motion and elects to conduct a hearing and/or oral argument in this matter pursuant to its order dated November 17, 2021, Movants request that the Court grant them the right to participate in oral argument (through counsel Professor Robert Yablon). In further support of this motion, Movants state as follows:

1. Pursuant to the Court’s order dated November 17, 2021, and its opinion dated November 30, 2021, *Johnson v. Wisconsin Election Comm’n*, 2021 WI 87, \_\_Wis. \_\_, \_\_N.W.2d. \_\_, the parties in this case have submitted proposed congressional and state legislative maps for this court’s consideration and urge the adoption of their preferred plans.
2. The Movants, who have professional interest in promoting a sound understanding of redistricting law and practice, offer an important perspective distinct from all of the parties. Drawing on their nationally recognized expertise in election law, voting rights, and constitutional law, their proposed non-party *amicus curiae* brief

contends that *none* of the proposed plans is suitable for judicial adoption and encourages the Court to reject them all.

3. If the Court conducts argument and allows Movants to participate, Movants intend to share their assessment of how the parties' proposed plans differ from maps that courts generally have seen fit to adopt as redistricting remedies. Because the parties' submissions shed new light on the legal and equitable problems with choosing party-drawn plans that seek to minimize change from Wisconsin's existing maps, it is vital that this court remain attentive to the options of producing its own maps with assistance from an independent expert or dismissing this action entirely. At this stage of the litigation, with the parties now advocating on behalf of their specific proposals, Movants are uniquely situated to address the virtues of these alternative paths forward.

WHEREFORE, if the Court elects to conduct an oral argument, Movants request this Court grant their motion for leave to participate in the oral argument and provide Movants with an additional amount of time not less than half the time the Court grants each party for argument.

Dated this 4th day of January, 2022.

Respectfully submitted,

Electronically Signed By  
/s/ Allison Boldt

Robert Yablon  
State Bar No. 1069983  
University of Wisconsin  
Law School  
975 Bascom Mall  
Madison, WI 53706  
robert.yablon@wisc.edu

Allison Boldt  
State Bar No. 1098112  
University of Wisconsin  
Law School  
975 Bascom Mall  
Madison, WI 53706  
allisonboldt@gmail.com  
Telephone: (608) 445-3232

*Counsel for Non-Party Legal Scholars*

### CERTIFICATION OF SERVICE

I hereby certify that on this date I caused an electronic copy of this Motion Of Legal Scholars For Leave To Participate in Oral Argument to be sent by email to clerk@wicourts.gov on or before 12:00 noon. In addition, I will cause a paper original and ten copies of this motion with a notation that “This document was previously filed via email” to be filed with the clerk no later than 12:00 noon tomorrow. I further certify that on this date, I sent true and correct email copies of this motion to all counsel of record.

Dated: January 4, 2022

Electronically Signed By  
/s/ Allison Boldt

Allison Boldt  
State Bar No. 1098112  
University of Wisconsin  
Law School  
975 Bascom Mall  
Madison, WI 53706  
allisonboldt@gmail.com  
Telephone: (608) 445-3232

*Counsel for Non-Party Legal  
Scholars*